

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Labor Relations Act is
5 amended by changing Sections 9 and 14 as follows:

6 (5 ILCS 315/9) (from Ch. 48, par. 1609)

7 Sec. 9. Elections; recognition.

8 (a) Whenever in accordance with such regulations as may be
9 prescribed by the Board a petition has been filed:

10 (1) by a public employee or group of public employees
11 or any labor organization acting in their behalf
12 demonstrating that 30% of the public employees in an
13 appropriate unit (A) wish to be represented for the
14 purposes of collective bargaining by a labor organization
15 as exclusive representative, or (B) asserting that the
16 labor organization which has been certified or is currently
17 recognized by the public employer as bargaining
18 representative is no longer the representative of the
19 majority of public employees in the unit; or

20 (2) by a public employer alleging that one or more
21 labor organizations have presented to it a claim that they
22 be recognized as the representative of a majority of the
23 public employees in an appropriate unit,

1 the Board shall investigate such petition, and if it has
2 reasonable cause to believe that a question of representation
3 exists, shall provide for an appropriate hearing upon due
4 notice. Such hearing shall be held at the offices of the Board
5 or such other location as the Board deems appropriate. If it
6 finds upon the record of the hearing that a question of
7 representation exists, it shall direct an election in
8 accordance with subsection (d) of this Section, which election
9 shall be held not later than 120 days after the date the
10 petition was filed regardless of whether that petition was
11 filed before or after the effective date of this amendatory Act
12 of 1987; provided, however, the Board may extend the time for
13 holding an election by an additional 60 days if, upon motion by
14 a person who has filed a petition under this Section or is the
15 subject of a petition filed under this Section and is a party
16 to such hearing, or upon the Board's own motion, the Board
17 finds that good cause has been shown for extending the election
18 date; provided further, that nothing in this Section shall
19 prohibit the Board, in its discretion, from extending the time
20 for holding an election for so long as may be necessary under
21 the circumstances, where the purpose for such extension is to
22 permit resolution by the Board of an unfair labor practice
23 charge filed by one of the parties to a representational
24 proceeding against the other based upon conduct which may
25 either affect the existence of a question concerning
26 representation or have a tendency to interfere with a fair and

1 free election, where the party filing the charge has not filed
2 a request to proceed with the election; and provided further
3 that prior to the expiration of the total time allotted for
4 holding an election, a person who has filed a petition under
5 this Section or is the subject of a petition filed under this
6 Section and is a party to such hearing or the Board, may move
7 for and obtain the entry of an order in the circuit court of
8 the county in which the majority of the public employees sought
9 to be represented by such person reside, such order extending
10 the date upon which the election shall be held. Such order
11 shall be issued by the circuit court only upon a judicial
12 finding that there has been a sufficient showing that there is
13 good cause to extend the election date beyond such period and
14 shall require the Board to hold the election as soon as is
15 feasible given the totality of the circumstances. Such 120 day
16 period may be extended one or more times by the agreement of
17 all parties to the hearing to a date certain without the
18 necessity of obtaining a court order. Nothing in this Section
19 prohibits the waiving of hearings by stipulation for the
20 purpose of a consent election in conformity with the rules and
21 regulations of the Board or an election in a unit agreed upon
22 by the parties. Other interested employee organizations may
23 intervene in the proceedings in the manner and within the time
24 period specified by rules and regulations of the Board.
25 Interested parties who are necessary to the proceedings may
26 also intervene in the proceedings in the manner and within the

1 time period specified by the rules and regulations of the
2 Board.

3 (a-5) The Board shall designate an exclusive
4 representative for purposes of collective bargaining when the
5 representative demonstrates a showing of majority interest by
6 employees in the unit. If the parties to a dispute are without
7 agreement on the means to ascertain the choice, if any, of
8 employee organization as their representative, the Board shall
9 ascertain the employees' choice of employee organization, on
10 the basis of dues deduction authorization or other evidence,
11 or, if necessary, by conducting an election. All evidence
12 submitted by an employee organization to the Board to ascertain
13 an employee's choice of an employee organization is
14 confidential and shall not be submitted to the employer for
15 review. The Board shall ascertain the employee's choice of
16 employee organization within 120 days after the filing of the
17 majority interest petition; however, the Board may extend time
18 by an additional 60 days, upon its own motion or upon the
19 motion of a party to the proceeding. If either party provides
20 to the Board, before the designation of a representative, clear
21 and convincing evidence that the dues deduction
22 authorizations, and other evidence upon which the Board would
23 otherwise rely to ascertain the employees' choice of
24 representative, are fraudulent or were obtained through
25 coercion, the Board shall promptly thereafter conduct an
26 election. The Board shall also investigate and consider a

1 party's allegations that the dues deduction authorizations and
2 other evidence submitted in support of a designation of
3 representative without an election were subsequently changed,
4 altered, withdrawn, or withheld as a result of employer fraud,
5 coercion, or any other unfair labor practice by the employer.
6 If the Board determines that a labor organization would have
7 had a majority interest but for an employer's fraud, coercion,
8 or unfair labor practice, it shall designate the labor
9 organization as an exclusive representative without conducting
10 an election. If a hearing is necessary to resolve any issues of
11 representation under this Section, the Board shall conclude its
12 hearing process and issue a certification of the entire
13 appropriate unit not later than 120 days after the date the
14 petition was filed. The 120-day period may be extended one or
15 more times by the agreement of all parties to a hearing to a
16 date certain.

17 (a-6) A labor organization or an employer may file a unit
18 clarification petition seeking to clarify an existing
19 bargaining unit. The Board shall conclude its investigation,
20 including any hearing process deemed necessary, and issue a
21 certification of clarified unit or dismiss the petition not
22 later than 120 days after the date the petition was filed. The
23 120-day period may be extended one or more times by the
24 agreement of all parties to a hearing to a date certain.

25 (b) The Board shall decide in each case, in order to assure
26 public employees the fullest freedom in exercising the rights

1 guaranteed by this Act, a unit appropriate for the purpose of
2 collective bargaining, based upon but not limited to such
3 factors as: historical pattern of recognition; community of
4 interest including employee skills and functions; degree of
5 functional integration; interchangeability and contact among
6 employees; fragmentation of employee groups; common
7 supervision, wages, hours and other working conditions of the
8 employees involved; and the desires of the employees. For
9 purposes of this subsection, fragmentation shall not be the
10 sole or predominant factor used by the Board in determining an
11 appropriate bargaining unit. Except with respect to non-State
12 fire fighters and paramedics employed by fire departments and
13 fire protection districts, non-State peace officers and peace
14 officers in the State Department of State Police, a single
15 bargaining unit determined by the Board may not include both
16 supervisors and nonsupervisors, except for bargaining units in
17 existence on the effective date of this Act. With respect to
18 non-State fire fighters and paramedics employed by fire
19 departments and fire protection districts, non-State peace
20 officers and peace officers in the State Department of State
21 Police, a single bargaining unit determined by the Board may
22 not include both supervisors and nonsupervisors, except for
23 bargaining units in existence on the effective date of this
24 amendatory Act of 1985.

25 In cases involving an historical pattern of recognition,
26 and in cases where the employer has recognized the union as the

1 sole and exclusive bargaining agent for a specified existing
2 unit, the Board shall find the employees in the unit then
3 represented by the union pursuant to the recognition to be the
4 appropriate unit.

5 Notwithstanding the above factors, where the majority of
6 public employees of a craft so decide, the Board shall
7 designate such craft as a unit appropriate for the purposes of
8 collective bargaining.

9 The Board shall not decide that any unit is appropriate if
10 such unit includes both professional and nonprofessional
11 employees, unless a majority of each group votes for inclusion
12 in such unit.

13 (c) Nothing in this Act shall interfere with or negate the
14 current representation rights or patterns and practices of
15 labor organizations which have historically represented public
16 employees for the purpose of collective bargaining, including
17 but not limited to the negotiations of wages, hours and working
18 conditions, discussions of employees' grievances, resolution
19 of jurisdictional disputes, or the establishment and
20 maintenance of prevailing wage rates, unless a majority of
21 employees so represented express a contrary desire pursuant to
22 the procedures set forth in this Act.

23 (d) In instances where the employer does not voluntarily
24 recognize a labor organization as the exclusive bargaining
25 representative for a unit of employees, the Board shall
26 determine the majority representative of the public employees

1 in an appropriate collective bargaining unit by conducting a
2 secret ballot election, except as otherwise provided in
3 subsection (a-5). Within 7 days after the Board issues its
4 bargaining unit determination and direction of election or the
5 execution of a stipulation for the purpose of a consent
6 election, the public employer shall submit to the labor
7 organization the complete names and addresses of those
8 employees who are determined by the Board to be eligible to
9 participate in the election. When the Board has determined that
10 a labor organization has been fairly and freely chosen by a
11 majority of employees in an appropriate unit, it shall certify
12 such organization as the exclusive representative. If the Board
13 determines that a majority of employees in an appropriate unit
14 has fairly and freely chosen not to be represented by a labor
15 organization, it shall so certify. The Board may also revoke
16 the certification of the public employee organizations as
17 exclusive bargaining representatives which have been found by a
18 secret ballot election to be no longer the majority
19 representative.

20 (e) The Board shall not conduct an election in any
21 bargaining unit or any subdivision thereof within which a valid
22 election has been held in the preceding 12-month period. The
23 Board shall determine who is eligible to vote in an election
24 and shall establish rules governing the conduct of the election
25 or conduct affecting the results of the election. The Board
26 shall include on a ballot in a representation election a choice

1 of "no representation". A labor organization currently
2 representing the bargaining unit of employees shall be placed
3 on the ballot in any representation election. In any election
4 where none of the choices on the ballot receives a majority, a
5 runoff election shall be conducted between the 2 choices
6 receiving the largest number of valid votes cast in the
7 election. A labor organization which receives a majority of the
8 votes cast in an election shall be certified by the Board as
9 exclusive representative of all public employees in the unit.

10 (f) A labor organization shall be designated as the
11 exclusive representative by a public employer, provided that
12 the labor organization represents a majority of the public
13 employees in an appropriate unit. Any employee organization
14 which is designated or selected by the majority of public
15 employees, in a unit of the public employer having no other
16 recognized or certified representative, as their
17 representative for purposes of collective bargaining may
18 request recognition by the public employer in writing. The
19 public employer shall post such request for a period of at
20 least 20 days following its receipt thereof on bulletin boards
21 or other places used or reserved for employee notices.

22 (g) Within the 20-day period any other interested employee
23 organization may petition the Board in the manner specified by
24 rules and regulations of the Board, provided that such
25 interested employee organization has been designated by at
26 least 10% of the employees in an appropriate bargaining unit

1 which includes all or some of the employees in the unit
2 recognized by the employer. In such event, the Board shall
3 proceed with the petition in the same manner as provided by
4 paragraph (1) of subsection (a) of this Section.

5 (h) No election shall be directed by the Board in any
6 bargaining unit where there is in force a valid collective
7 bargaining agreement or, except in the case of fire fighter
8 units, after an interest arbitrator has been appointed pursuant
9 to the impasse resolution procedures in Section 14 of this Act.

10 The Board, however, may process an election petition filed
11 between 90 and 60 days prior to the expiration of the date of
12 an agreement, and may further refine, by rule or decision, the
13 implementation of this provision. Where more than 4 years have
14 elapsed since the effective date of the agreement, the
15 agreement shall continue to bar an election, except that the
16 Board may process an election petition filed between 90 and 60
17 days prior to the end of the fifth year of such an agreement,
18 and between 90 and 60 days prior to the end of each successive
19 year of such agreement.

20 (i) An order of the Board dismissing a representation
21 petition, determining and certifying that a labor organization
22 has been fairly and freely chosen by a majority of employees in
23 an appropriate bargaining unit, determining and certifying
24 that a labor organization has not been fairly and freely chosen
25 by a majority of employees in the bargaining unit or certifying
26 a labor organization as the exclusive representative of

1 employees in an appropriate bargaining unit because of a
2 determination by the Board that the labor organization is the
3 historical bargaining representative of employees in the
4 bargaining unit, is a final order. Any person aggrieved by any
5 such order issued on or after the effective date of this
6 amendatory Act of 1987 may apply for and obtain judicial review
7 in accordance with provisions of the Administrative Review Law,
8 as now or hereafter amended, except that such review shall be
9 afforded directly in the Appellate Court for the district in
10 which the aggrieved party resides or transacts business. Any
11 direct appeal to the Appellate Court shall be filed within 35
12 days from the date that a copy of the decision sought to be
13 reviewed was served upon the party affected by the decision.

14 (Source: P.A. 95-331, eff. 8-21-07; 96-813, eff. 10-30-09.)

15 (5 ILCS 315/14) (from Ch. 48, par. 1614)

16 Sec. 14. Security Employee, Peace Officer and Fire Fighter
17 Disputes.

18 (a) In the case of collective bargaining agreements
19 involving units of security employees of a public employer,
20 Peace Officer Units, or units of fire fighters or paramedics,
21 and in the case of disputes under Section 18, unless the
22 parties mutually agree to some other time limit, mediation
23 shall commence 30 days prior to the expiration date of such
24 agreement or at such later time as the mediation services
25 chosen under subsection (b) of Section 12 can be provided to

1 the parties. In the case of negotiations for an initial
2 collective bargaining agreement, mediation shall commence upon
3 15 days notice from either party or at such later time as the
4 mediation services chosen pursuant to subsection (b) of Section
5 12 can be provided to the parties. In mediation under this
6 Section, if either party requests the use of mediation services
7 from the Federal Mediation and Conciliation Service, the other
8 party shall either join in such request or bear the additional
9 cost of mediation services from another source. The mediator
10 shall have a duty to keep the Board informed on the progress of
11 the mediation. If any dispute has not been resolved within 15
12 days after the first meeting of the parties and the mediator,
13 or within such other time limit as may be mutually agreed upon
14 by the parties, either the exclusive representative or employer
15 may request of the other, in writing, arbitration, and shall
16 submit a copy of the request to the Board.

17 (b) Within 10 days after such a request for arbitration has
18 been made, the employer shall choose a delegate and the
19 employees' exclusive representative shall choose a delegate to
20 a panel of arbitration as provided in this Section. The
21 employer and employees shall forthwith advise the other and the
22 Board of their selections.

23 (c) Within 7 days after the request of either party, the
24 parties shall request a panel of impartial arbitrators from
25 which they shall select the neutral chairman according to the
26 procedures provided in this Section. If the parties have agreed

1 to a contract that contains a grievance resolution procedure as
2 provided in Section 8, the chairman shall be selected using
3 their agreed contract procedure unless they mutually agree to
4 another procedure. If the parties fail to notify the Board of
5 their selection of neutral chairman within 7 days after receipt
6 of the list of impartial arbitrators, the Board shall appoint,
7 at random, a neutral chairman from the list. In the absence of
8 an agreed contract procedure for selecting an impartial
9 arbitrator, either party may request a panel from the Board.

10 Notwithstanding the preceding paragraph in this subsection
11 (c), for peace officer units and security employee units only,
12 within 7 calendar days after the request by either party to
13 proceed to arbitration, the parties shall request from the
14 Board a panel of arbitrators from which the parties shall
15 select the neutral chairman, unless the parties have mutually
16 agreed upon an arbitrator or have negotiated a contract
17 procedure for selecting an impartial interest arbitrator.

18 Within 7 days of the request of either party, the Board
19 shall select from the Public Employees Labor Mediation Roster 7
20 persons who are on the labor arbitration panels of either the
21 American Arbitration Association or the Federal Mediation and
22 Conciliation Service, or who are members of the National
23 Academy of Arbitrators, as nominees for impartial arbitrator of
24 the arbitration panel. The parties may select an individual on
25 the list provided by the Board or any other individual mutually
26 agreed upon by the parties. Within 7 days following the receipt

1 of the list, the parties shall notify the Board of the person
2 they have selected. Unless the parties agree on an alternate
3 selection procedure, they shall alternatively strike one name
4 from the list provided by the Board until only one name
5 remains. A coin toss shall determine which party shall strike
6 the first name. If both the parties fail to notify the Board in
7 a timely manner of their selection for neutral chairman, the
8 Board shall appoint a neutral chairman from the Illinois Public
9 Employees Mediation/Arbitration Roster. If, however, the
10 failure to notify the Board of a mutual selection for the
11 neutral chairman is due to one party's failure to timely
12 participate in the selection process, the party who was
13 prepared to participate in a timely selection may notify the
14 Board of its willingness to select an arbitrator from the
15 panel. Under such circumstances, the Board, after waiting 7
16 days after the receipt of the panel by the non-participating
17 party, shall appoint as the neutral chairman the arbitrator
18 from the panel chosen solely by the party who was prepared to
19 participate in a timely selection. Within 7 days after the
20 receipt of the panel by the non-participating party and upon
21 filing a written request with the Board, the non-participating
22 party shall receive a one-time 7-day extension for the period
23 within which to participate in the selection process. This
24 extension takes effect during the initial 7-day period to
25 select a neutral chairman and shall toll the running of that
26 7-day period. If, after the expiration of the initial 7-day

1 period and the 7-day extension, the non-participating party
2 does not participate in the selection process, the Board shall
3 appoint as the neutral chairman the arbitrator from the panel
4 chosen solely by the party who participated in a timely
5 selection.

6 (d) The chairman shall call a hearing to begin within 15
7 days and give reasonable notice of the time and place of the
8 hearing. The hearing shall be held at the offices of the Board
9 or at such other location as the Board deems appropriate. The
10 chairman shall preside over the hearing and shall take
11 testimony. Any oral or documentary evidence and other data
12 deemed relevant by the arbitration panel may be received in
13 evidence. The proceedings shall be informal. Technical rules of
14 evidence shall not apply and the competency of the evidence
15 shall not thereby be deemed impaired. A verbatim record of the
16 proceedings shall be made and the arbitrator shall arrange for
17 the necessary recording service. Transcripts may be ordered at
18 the expense of the party ordering them, but the transcripts
19 shall not be necessary for a decision by the arbitration panel.
20 The expense of the proceedings, including a fee for the
21 chairman, shall be borne equally by each of the parties to the
22 dispute. The delegates, if public officers or employees, shall
23 continue on the payroll of the public employer without loss of
24 pay. The hearing conducted by the arbitration panel may be
25 adjourned from time to time, but unless otherwise agreed by the
26 parties, shall be concluded within 30 days of the time of its

1 commencement. Majority actions and rulings shall constitute
2 the actions and rulings of the arbitration panel. Arbitration
3 proceedings under this Section shall not be interrupted or
4 terminated by reason of any unfair labor practice charge filed
5 by either party at any time.

6 (e) The arbitration panel may administer oaths, require the
7 attendance of witnesses, and the production of such books,
8 papers, contracts, agreements and documents as may be deemed by
9 it material to a just determination of the issues in dispute,
10 and for such purpose may issue subpoenas. If any person refuses
11 to obey a subpoena, or refuses to be sworn or to testify, or if
12 any witness, party or attorney is guilty of any contempt while
13 in attendance at any hearing, the arbitration panel may, or the
14 attorney general if requested shall, invoke the aid of any
15 circuit court within the jurisdiction in which the hearing is
16 being held, which court shall issue an appropriate order. Any
17 failure to obey the order may be punished by the court as
18 contempt.

19 (f) At any time before the rendering of an award, the
20 chairman of the arbitration panel, if he is of the opinion that
21 it would be useful or beneficial to do so, may remand the
22 dispute to the parties for further collective bargaining for a
23 period not to exceed 2 weeks. If the dispute is remanded for
24 further collective bargaining the time provisions of this Act
25 shall be extended for a time period equal to that of the
26 remand. The chairman of the panel of arbitration shall notify

1 the Board of the remand.

2 (g) At or before the conclusion of the hearing held
3 pursuant to subsection (d), the arbitration panel shall
4 identify the economic issues in dispute, and direct each of the
5 parties to submit, within such time limit as the panel shall
6 prescribe, to the arbitration panel and to each other its last
7 offer of settlement on each economic issue. The determination
8 of the arbitration panel as to the issues in dispute and as to
9 which of these issues are economic shall be conclusive. The
10 arbitration panel, within 30 days after the conclusion of the
11 hearing, or such further additional periods to which the
12 parties may agree, shall make written findings of fact and
13 promulgate a written opinion and shall mail or otherwise
14 deliver a true copy thereof to the parties and their
15 representatives and to the Board. As to each economic issue,
16 the arbitration panel shall adopt the last offer of settlement
17 which, in the opinion of the arbitration panel, more nearly
18 complies with the applicable factors prescribed in subsection
19 (h). The findings, opinions and order as to all other issues
20 shall be based upon the applicable factors prescribed in
21 subsection (h).

22 (h) Where there is no agreement between the parties, or
23 where there is an agreement but the parties have begun
24 negotiations or discussions looking to a new agreement or
25 amendment of the existing agreement, and wage rates or other
26 conditions of employment under the proposed new or amended

1 agreement are in dispute, the arbitration panel shall base its
2 findings, opinions and order upon the following factors, as
3 applicable:

4 (1) The lawful authority of the employer.

5 (2) Stipulations of the parties.

6 (3) The interests and welfare of the public and the
7 financial ability of the unit of government to meet those
8 costs.

9 (4) Comparison of the wages, hours and conditions of
10 employment of the employees involved in the arbitration
11 proceeding with the wages, hours and conditions of
12 employment of other employees performing similar services
13 and with other employees generally:

14 (A) In public employment in comparable
15 communities.

16 (B) In private employment in comparable
17 communities.

18 (5) The average consumer prices for goods and services,
19 commonly known as the cost of living.

20 (6) The overall compensation presently received by the
21 employees, including direct wage compensation, vacations,
22 holidays and other excused time, insurance and pensions,
23 medical and hospitalization benefits, the continuity and
24 stability of employment and all other benefits received.

25 (7) Changes in any of the foregoing circumstances
26 during the pendency of the arbitration proceedings.

1 (8) Such other factors, not confined to the foregoing,
2 which are normally or traditionally taken into
3 consideration in the determination of wages, hours and
4 conditions of employment through voluntary collective
5 bargaining, mediation, fact-finding, arbitration or
6 otherwise between the parties, in the public service or in
7 private employment.

8 (i) In the case of peace officers, the arbitration decision
9 shall be limited to wages, hours, and conditions of employment
10 (which may include residency requirements in municipalities
11 with a population under 1,000,000, but those residency
12 requirements shall not allow residency outside of Illinois) and
13 shall not include the following: i) residency requirements in
14 municipalities with a population of at least 1,000,000; ii) the
15 type of equipment, other than uniforms, issued or used; iii)
16 manning; iv) the total number of employees employed by the
17 department; v) mutual aid and assistance agreements to other
18 units of government; and vi) the criterion pursuant to which
19 force, including deadly force, can be used; provided, nothing
20 herein shall preclude an arbitration decision regarding
21 equipment or manning levels if such decision is based on a
22 finding that the equipment or manning considerations in a
23 specific work assignment involve a serious risk to the safety
24 of a peace officer beyond that which is inherent in the normal
25 performance of police duties. Limitation of the terms of the
26 arbitration decision pursuant to this subsection shall not be

1 construed to limit the factors upon which the decision may be
2 based, as set forth in subsection (h).

3 In the case of fire fighter, and fire department or fire
4 district paramedic matters, the arbitration decision shall be
5 limited to wages, hours, and conditions of employment (which
6 may include residency requirements in municipalities with a
7 population under 1,000,000, but those residency requirements
8 shall not allow residency outside of Illinois) and shall not
9 include the following matters: i) residency requirements in
10 municipalities with a population of at least 1,000,000; ii) the
11 type of equipment (other than uniforms and fire fighter turnout
12 gear) issued or used; iii) the total number of employees
13 employed by the department; iv) mutual aid and assistance
14 agreements to other units of government; and v) the criterion
15 pursuant to which force, including deadly force, can be used;
16 provided, however, nothing herein shall preclude an
17 arbitration decision regarding equipment levels if such
18 decision is based on a finding that the equipment
19 considerations in a specific work assignment involve a serious
20 risk to the safety of a fire fighter beyond that which is
21 inherent in the normal performance of fire fighter duties.
22 Limitation of the terms of the arbitration decision pursuant to
23 this subsection shall not be construed to limit the facts upon
24 which the decision may be based, as set forth in subsection
25 (h).

26 The changes to this subsection (i) made by Public Act

1 90-385 (relating to residency requirements) do not apply to
2 persons who are employed by a combined department that performs
3 both police and firefighting services; these persons shall be
4 governed by the provisions of this subsection (i) relating to
5 peace officers, as they existed before the amendment by Public
6 Act 90-385.

7 To preserve historical bargaining rights, this subsection
8 shall not apply to any provision of a fire fighter collective
9 bargaining agreement in effect and applicable on the effective
10 date of this Act; provided, however, nothing herein shall
11 preclude arbitration with respect to any such provision.

12 (j) Arbitration procedures shall be deemed to be initiated
13 by the filing of a letter requesting mediation as required
14 under subsection (a) of this Section. The commencement of a new
15 municipal fiscal year after the initiation of arbitration
16 procedures under this Act, but before the arbitration decision,
17 or its enforcement, shall not be deemed to render a dispute
18 moot, or to otherwise impair the jurisdiction or authority of
19 the arbitration panel or its decision. Increases in rates of
20 compensation awarded by the arbitration panel may be effective
21 only at the start of the fiscal year next commencing after the
22 date of the arbitration award. If a new fiscal year has
23 commenced either since the initiation of arbitration
24 procedures under this Act or since any mutually agreed
25 extension of the statutorily required period of mediation under
26 this Act by the parties to the labor dispute causing a delay in

1 the initiation of arbitration, the foregoing limitations shall
2 be inapplicable, and such awarded increases may be retroactive
3 to the commencement of the fiscal year, any other statute or
4 charter provisions to the contrary, notwithstanding. At any
5 time the parties, by stipulation, may amend or modify an award
6 of arbitration.

7 (k) Orders of the arbitration panel shall be reviewable,
8 upon appropriate petition by either the public employer or the
9 exclusive bargaining representative, by the circuit court for
10 the county in which the dispute arose or in which a majority of
11 the affected employees reside, but only for reasons that the
12 arbitration panel was without or exceeded its statutory
13 authority; the order is arbitrary, or capricious; or the order
14 was procured by fraud, collusion or other similar and unlawful
15 means. Such petitions for review must be filed with the
16 appropriate circuit court within 90 days following the issuance
17 of the arbitration order. The pendency of such proceeding for
18 review shall not automatically stay the order of the
19 arbitration panel. The party against whom the final decision of
20 any such court shall be adverse, if such court finds such
21 appeal or petition to be frivolous, shall pay reasonable
22 attorneys' fees and costs to the successful party as determined
23 by said court in its discretion. If said court's decision
24 affirms the award of money, such award, if retroactive, shall
25 bear interest at the rate of 12 percent per annum from the
26 effective retroactive date.

1 (1) During the pendency of proceedings before the
2 arbitration panel, existing wages, hours, and other conditions
3 of employment shall not be changed by action of either party
4 without the consent of the other but a party may so consent
5 without prejudice to his rights or position under this Act. The
6 proceedings are deemed to be pending before the arbitration
7 panel upon the initiation of arbitration procedures under this
8 Act.

9 (m) Security officers of public employers, and Peace
10 Officers, Fire Fighters and fire department and fire protection
11 district paramedics, covered by this Section may not withhold
12 services, nor may public employers lock out or prevent such
13 employees from performing services at any time.

14 (n) All of the terms decided upon by the arbitration panel
15 shall be included in an agreement to be submitted to the public
16 employer's governing body for ratification and adoption by law,
17 ordinance or the equivalent appropriate means.

18 The governing body shall review each term decided by the
19 arbitration panel. If the governing body fails to reject one or
20 more terms of the arbitration panel's decision by a 3/5 vote of
21 those duly elected and qualified members of the governing body,
22 within 20 days of issuance, or in the case of firefighters
23 employed by a state university, at the next regularly scheduled
24 meeting of the governing body after issuance, such term or
25 terms shall become a part of the collective bargaining
26 agreement of the parties. If the governing body affirmatively

1 rejects one or more terms of the arbitration panel's decision,
2 it must provide reasons for such rejection with respect to each
3 term so rejected, within 20 days of such rejection and the
4 parties shall return to the arbitration panel for further
5 proceedings and issuance of a supplemental decision with
6 respect to the rejected terms. Any supplemental decision by an
7 arbitration panel or other decision maker agreed to by the
8 parties shall be submitted to the governing body for
9 ratification and adoption in accordance with the procedures and
10 voting requirements set forth in this Section. The voting
11 requirements of this subsection shall apply to all disputes
12 submitted to arbitration pursuant to this Section
13 notwithstanding any contrary voting requirements contained in
14 any existing collective bargaining agreement between the
15 parties.

16 (o) If the governing body of the employer votes to reject
17 the panel's decision, the parties shall return to the panel
18 within 30 days from the issuance of the reasons for rejection
19 for further proceedings and issuance of a supplemental
20 decision. All reasonable costs of such supplemental proceeding
21 including the exclusive representative's reasonable attorney's
22 fees, as established by the Board, shall be paid by the
23 employer.

24 (p) Notwithstanding the provisions of this Section the
25 employer and exclusive representative may agree to submit
26 unresolved disputes concerning wages, hours, terms and

1 conditions of employment to an alternative form of impasse
2 resolution.

3 (Source: P.A. 98-535, eff. 1-1-14.)

4 Section 10. The Minimum Wage Law is amended by changing
5 Section 4a as follows:

6 (820 ILCS 105/4a) (from Ch. 48, par. 1004a)

7 Sec. 4a. (1) Except as otherwise provided in this Section,
8 no employer shall employ any of his employees for a workweek of
9 more than 40 hours unless such employee receives compensation
10 for his employment in excess of the hours above specified at a
11 rate not less than 1 1/2 times the regular rate at which he is
12 employed.

13 (2) The provisions of subsection (1) of this Section are
14 not applicable to:

15 A. Any salesman or mechanic primarily engaged in
16 selling or servicing automobiles, trucks or farm
17 implements, if he is employed by a nonmanufacturing
18 establishment primarily engaged in the business of selling
19 such vehicles or implements to ultimate purchasers.

20 B. Any salesman primarily engaged in selling trailers,
21 boats, or aircraft, if he is employed by a nonmanufacturing
22 establishment primarily engaged in the business of selling
23 trailers, boats, or aircraft to ultimate purchasers.

24 C. Any employer of agricultural labor, with respect to

1 such agricultural employment.

2 D. Any employee of a governmental body excluded from
3 the definition of "employee" under paragraph (e)(2)(C) of
4 Section 3 of the Federal Fair Labor Standards Act of 1938.

5 E. Any employee employed in a bona fide executive,
6 administrative or professional capacity, including any
7 radio or television announcer, news editor, or chief
8 engineer, as defined by or covered by the Federal Fair
9 Labor Standards Act of 1938 and the rules adopted under
10 that Act, as both exist on March 30, 2003, but compensated
11 at the amount of salary specified in subsections (a) and
12 (b) of Section 541.600 of Title 29 of the Code of Federal
13 Regulations as proposed in the Federal Register on March
14 31, 2003 or a greater amount of salary as may be adopted by
15 the United States Department of Labor. For bona fide
16 executive, administrative, and professional employees of
17 not-for-profit corporations, the Director may, by
18 regulation, adopt a weekly wage rate standard lower than
19 that provided for executive, administrative, and
20 professional employees covered under the Fair Labor
21 Standards Act of 1938, as now or hereafter amended.

22 F. Any commissioned employee as described in paragraph
23 (i) of Section 7 of the Federal Fair Labor Standards Act of
24 1938 and rules and regulations promulgated thereunder, as
25 now or hereafter amended.

26 G. Any employment of an employee in the stead of

1 another employee of the same employer pursuant to a
2 worktime exchange agreement between employees.

3 H. Any employee of a not-for-profit educational or
4 residential child care institution who (a) on a daily basis
5 is directly involved in educating or caring for children
6 who (1) are orphans, foster children, abused, neglected or
7 abandoned children, or are otherwise homeless children and
8 (2) reside in residential facilities of the institution and
9 (b) is compensated at an annual rate of not less than
10 \$13,000 or, if the employee resides in such facilities and
11 receives without cost board and lodging from such
12 institution, not less than \$10,000.

13 I. Any employee employed as a crew member of any
14 uninspected towing vessel, as defined by Section 2101(40)
15 of Title 46 of the United States Code, operating in any
16 navigable waters in or along the boundaries of the State of
17 Illinois.

18 J. Any employee who is a member of a bargaining unit
19 recognized by the Illinois Labor Relations Board and whose
20 union has contractually agreed to an alternate shift
21 schedule as allowed by subsection (b) of Section 7 of the
22 Fair Labor Standards Act of 1938.

23 (3) Any employer may employ any employee for a period or
24 periods of not more than 10 hours in the aggregate in any
25 workweek in excess of the maximum hours specified in subsection
26 (1) of this Section without paying the compensation for

1 overtime employment prescribed in subsection (1) if during that
2 period or periods the employee is receiving remedial education
3 that:

4 (a) is provided to employees who lack a high school
5 diploma or educational attainment at the eighth grade
6 level;

7 (b) is designed to provide reading and other basic
8 skills at an eighth grade level or below; and

9 (c) does not include job specific training.

10 (4) A governmental body is not in violation of subsection
11 (1) if the governmental body provides compensatory time
12 pursuant to paragraph (o) of Section 7 of the Federal Fair
13 Labor Standards Act of 1938, as now or hereafter amended, or is
14 engaged in fire protection or law enforcement activities and
15 meets the requirements of paragraph (k) of Section 7 or
16 paragraph (b)(20) of Section 13 of the Federal Fair Labor
17 Standards Act of 1938, as now or hereafter amended.

18 (Source: P.A. 92-623, eff. 7-11-02; 93-672, eff. 4-2-04.)